

COMMITTEE ON LANDS AND BUILDINGS

June 18, 2002

6:00 PM

Chairman Thibault called the meeting to order.

The Clerk called the roll.

Present: Aldermen Thibault, Gatsas (late), Pinard, DeVries, Garrity

Messrs: Alderman O'Neil, Deputy Solicitor Arnold, J. Harrington

Chairman Thibault addressed Item 3 of the agenda:

Reconsideration of previous action to receive and file a communication from Margaret Probish, Sheehan Phinney Bass & Green requesting that the City accept a deed to a parcel of land owned by their client as the owner cannot justify payment of such a large tax bill for property landlocked that the owner has never used.

On motion of Alderman Pinard, duly seconded by Alderman Garrity, it was voted to rescind the previous action and recommend that the City accept and execute a Quitclaim deed for property located off of Front Street (Tax Map TPK 7, Lot 41) subject to the review and approval of the City Solicitor.

Chairman Thibault addressed Item 4 of the agenda:

Communication from the Manchester Housing and Redevelopment Authority requesting permission for limited site control of two City-controlled properties – the Brown School at 435 Amory Street and the site of the former Somascan Brothers Monastery at 628 Hanover Street conditioned on the results from funding applications sufficient to cover all development costs.

Alderman DeVries asked is there somebody here from Manchester Housing & Redevelopment.

Chairman Thibault answered yes we do and they have already talked to me and asked that we hold off on this a little bit. I believe that Alderman Pinard was going to make a motion to table this.

On motion of Alderman Pinard, duly seconded by Alderman DeVries, it was voted to table this item.

Alderman O'Neil stated you and I and Alderman Wihby as kind of the old timers around here we remember the days when the City had a great partnership with the Housing and Redevelopment Authority and I am actually pretty excited about the letter that they are interested in partnering with the City whether it be on serving the housing needs or in redevelopment. I would encourage my colleagues to work closely with them and again I think if you think back to your early days we had a very strong partnership with the Housing and Redevelopment Authority. I am very encouraged by this communication from them and look forward to working with them.

Chairman Thibault stated let me just tell you that the Manchester Housing Authority has informed me that they would like to hold off on this because some of the things that they were looking at are not final and they would like to have a little more time.

Chairman Thibault addressed Item 5 of the agenda:

Communication from Members First Credit Union of NH requesting to place an ATM machine in City Hall generally in the area of Ordinance Violations.

Alderman Pinard stated I would like to ask the City Clerk his opinion on this. We don't have vending machines. Also, maybe the Solicitor can weigh in on this because there might be a liability.

Clerk Bernier stated it is really going to be a policy decision of this Committee. I did get notified about three months ago and they worked with Matt Normand and Tom Arnold on the proposal. Maybe Tom could speak more to this. It is feasible.

Chairman Thibault stated this came to the Committee before and didn't we send it to the City Solicitor to see if there was any...

Deputy Solicitor Arnold interjected we reviewed what would be needed and as you can see from the materials before you we have developed a proposed lease. The only thing I would note...it is pretty unremarkable and straightforward and I would be happy to answer any questions if you have any but in terms of the proposed rent the Members First Credit Union has proposed paying \$100/month. I have done some brief research on the matter that would seem to indicate that maybe \$150 to \$200 would be more market rate so to speak. I didn't change the form keeping in mind that this was developed as a convenience to the public and

to certain City employees that have their accounts with that credit union. I just wanted to make the Committee aware of that.

Alderman Pinard asked do we have any liability on this.

Deputy Solicitor Arnold answered I think that the liability is pretty minimal. This is a relatively small machine. I think it is around a 2' square footprint. The lease does call for some signage. The lease does have insurance and indemnity requirements in it so I think from a liability perspective we are pretty well covered.

Chairman Thibault stated I think it is a fairly new revenue stream that the City has never had before and seeing that the City Solicitor doesn't have a problem with it I think it is something that we should all consider.

Alderman Garrity stated I have a problem with it simply because I think from the perception of people coming in to pay ordinance violations or their taxes and hey you need some dough we have an ATM machine I think it makes the City not look greedy but we know you are going to spend some dough down here, here is an ATM machine...we are in a historic building. I don't think it is appropriate just like we don't have vending machines in this building. I just don't think it is appropriate. There are a half dozen banks on Elm Street that we can walk to. I will oppose that for that reason.

Alderman DeVries asked, Tom, the terms of the lease show that it should be reviewed yearly.

Deputy Solicitor Arnold answered the lease is terminable on 60 days.

Alderman DeVries stated it is showing that it is an unlimited term though.

Deputy Solicitor Arnold stated if you look at the termination clause, either party can terminate the lease upon 30 days notice.

Alderman DeVries replied my concern would be if we weren't looking to terminate but we were looking to review the terms of the lease is the mechanism in there for it to be reviewed yearly.

Deputy Solicitor Arnold responded in those words no but what we could do is if we felt the review was appropriate we could terminate the lease and enter into new negotiations.

Alderman DeVries asked that would be the normal process as opposed to some sort of a reopener.

Deputy Solicitor Arnold answered since this lease is terminable without cause, yes.

Alderman DeVries stated I have a question for somebody from Members First. Is it anticipated that there would be some sort of video surveillance with the ATM machine?

Mr. John Harrington replied we hadn't anticipated that up front but we would be open to negotiations on that issue.

Alderman DeVries asked you said you had not anticipated...

Mr. Harrington interjected we had not discussed it.

Alderman DeVries stated my concern would be if there was going to be some sort of videotaping that it would have to be reviewed previously by counsel just in case there is some sort of privacy act as somebody pays a ticket or something. I don't know how wide the range would be but that is the only concern I would have.

Mr. Harrington asked is the issue if there is not cameras.

Alderman DeVries answered if there is going to be that it is reviewed prior to the initiation of video surveillance. I am not thinking just in front of the machine but I am thinking more around the machine.

Mr. Harrington stated we hadn't anticipated putting something like that in and the machine is fairly small as mentioned earlier so it doesn't have a built-in camera.

Alderman DeVries asked regarding the utilities do you have an anticipation of what they might cost monthly.

Mr. Harrington answered the machine runs basically on what it costs to run a standard PC, which is about \$6-\$8 a month.

Alderman DeVries asked, Tom, does the City need to have some sort of a hold harmless clause in here in case there is theft or personal injury resulting from theft.

Deputy Solicitor Arnold answered the damage and loss clause takes care of that from the perspective of the City. There is an insurance clause requiring that the

credit union maintain adequate insurance coverage to protect against any loss and personal injuries.

Alderman DeVries asked so if somebody was injured during the course of a theft or attempted theft that would be considered utilization or use of the ATM.

Deputy Solicitor Arnold answered I believe so.

Alderman DeVries asked does Members First concur.

Mr. Harrington answered I would concur with that.

Chairman Thibault asked, Tom, do you have any problem with this.

Deputy Solicitor Arnold answered as Leo pointed out it is really a policy decision. I think that if the Committee chooses to go forward with an ATM that the City's interests are adequately protected in this lease agreement, yes.

Alderman Pinard asked what is the time of operation.

Mr. Harrington answered as I believe it states in Section 5, it will be in operation while the West Wing is open to the public.

Alderman Pinard asked what about the signage.

Mr. Harrington answered we would be responsible for any signage but it also mentions in here that the City in its sole discretion approve all signage and locations for said signage.

Alderman DeVries moved to approve the ATM lease agreement as presented.
Alderman Pinard duly seconded the motion.

Alderman Garrity stated I have concerns about signage too and the fact that it is a historic building and we don't want any neon signs or anything.

Chairman Thibault replied I believe that the City Clerk will see to that and so will the City Solicitor.

Alderman Garrity stated my concern is I don't think this is appropriate for City Hall at all. I think there is a perception out there that...you know I don't want to turn City Hall into a bank.

Chairman Thibault replied I understand and you certainly have a right to your vote.

Deputy Solicitor Arnold stated Matt Normand and I did consider that and that is why the language is in there stating it is subject to the Building Inspector's approval and his sole discretion so that we can control that kind of thing.

Chairman Thibault stated I would think that in some instance it has to be beneficial to the City. You take people who at the last minute come to City Hall to pay their taxes and for whatever reason don't have the cash with them but they do have the ATM. That could be an instance where these people could save money from not being late and it could be used in that sense.

Alderman Garrity replied with all due respect there are probably half a dozen ATM's within walking distance from City Hall.

Chairman Thibault called for a vote on the motion. The motion carried with Alderman Garrity being duly recorded in opposition.

TABLED ITEMS

6. Communication from Lucille Stevens, Chairman of Concerned Taxpayers of Manchester seeking information regarding the current financial status of a building in the Millyard which houses the FIRST Program.

This item remained on the table.

7. Request of Crystal Lake Preservation Association relating to various lots on Tax Map 506.

This item remained on the table.

8. Communication from Lynn Wilson offering to donate Map 0497, Lot 0007 on Hobart Street.

This item remained on the table.

9. Reconsideration of action relative to Tax Map 0492, Lot 5 and Lot 6 formerly referred to auction, however, Water Works has indicated that the City should hold this property.

This item remained on the table.

10. Communication from Katia Lapointe inquiring about possible disposition of City property located on Hartt Avenue Tax Map 484 Lot 29 near her property at 72 Peabody Ave.

This item remained on the table.

11. Reconsideration of previous action to refer property to auction based on subsequent communication from the Department of Highway relative to a request of Alderman Osborne to construct a lane over city property at the intersection of Belmont and Massabesic Streets.

This item remained on the table.

There being no further business, on motion of Alderman Pinard, duly seconded by Alderman DeVries, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee